

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

POWER INTEGRATIONS, INC.,

No. C-09-5235 MMC

Plaintiff,

**ORDER RE: PARTIES'  
ADMINISTRATIVE MOTIONS TO FILE  
CERTAIN DOCUMENTS UNDER SEAL**

v.

FAIRCHILD SEMICONDUCTOR  
INTERNATIONAL, INC., et al.,

Defendants.

Before the Court are four administrative motions to file under seal, three filed by plaintiff and one by defendant, by which motions the parties seek, pursuant to Civil Local Rule 79-5(d), to file under seal numerous documents offered in support of their respective motions for summary judgment and to exclude testimony. Each motion to seal is accompanied by a declaration under Civil Local Rule 79-5(d)(1)(A), and each party has filed a responsive declaration under Civil Local Rule 79-5(e)(1).

Defendants, in their declarations, assert, without further elaboration, that the material sought to be sealed “has been designated as ‘highly confidential-attorneys’ eyes only”; is “commercially valuable”; “regard[s] . . . design and functionality”; “contains highly confidential sales information”; “contains highly confidential manufacturing information” and/or “would potentially cause irreparable harm.” (See generally Ondrick Decls.) Plaintiff, in its declarations, asserts, likewise in conclusory manner, that it “similarly desires to


1 maintain the confidentiality of” such information, and that the information contained therein  
2 is “commercially valuable to [plaintiff] and dissemination would potentially cause irreparable  
3 harm to [plaintiff].” (See generally Headley Decls.)

4 There is a “strong presumption in favor of access” by the public to judicial records  
5 and documents accompanying dispositive motions. See Kamakana v. City & Cnty. of  
6 Honolulu, 447 F.3d 1172, 1178, 1179 (9th Cir. 2006) (citing Foltz v. State Farm Mut. Auto.  
7 Ins. Co., 331 F.3d 1122, 1135 (9th Cir. 2003)). To overcome this presumption, a “party  
8 must articulate compelling reasons supported by specific fact[s].” See id. at 1178 (internal  
9 quotation and citation omitted); see also Apple, Inc. v. Samsung Elecs. Co., — F.3d —, 107  
10 U.S.P.Q.2d 2048 (Fed. Cir. 2013) (finding sealing appropriate where companies “filed  
11 declarations from employees” that “explained the measures the two companies take to  
12 keep their product-specific financial information confidential” and “the harm they would  
13 suffer if their product-specific financial information were made public”). Indeed, such  
14 showing is required even where “the dispositive motion, or its attachments, were previously  
15 filed under seal or protective order.” Kamakana, 447 F.3d at 1179. Here, the reasons  
16 articulated by the parties lack the requisite factual support.

17 Accordingly, both defendant and plaintiff are hereby DIRECTED to file in support of  
18 their respective administrative motions, no later than October 15, 2013, one or more  
19 supplemental declarations setting forth the specific facts on which they respectively rely to  
20 show whatever compelling reasons exist for the relief requested.

21 **IT IS SO ORDERED.**

22 Dated: October 8, 2013

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24 MAXINE M. CHESNEY  
25 United States District Judge  
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